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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,946	03/19/2004	Joseph A. Manico	87489NAB	8070
7590 Mark G. Bocchetti Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			EXAMINER PASIEWICZ, DANIEL M	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 10/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,946

Applicant(s)

MANICO ET AL.

Examiner

DANIEL M. PASIEWICZ

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

New Examiner of Record

1. The prosecution of this application has been transferred to Examiner Dan Pasiewicz from the docket of Examiner John Morehead. Any inquiry concerning this Office Action or earlier communications should be directed to the current Examiner of record. Current contact information is provided in the last section of this communication.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-22 and 30-40** have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, see pages 12-14, filed 6/16/2008, with respect to the rejection(s) of claim(s) 23-29 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 4,688,105 to Bloch et al.

Double Patenting

4. Applicant is advised that should claims 1-3 be found allowable, claims 22, 31 and 40 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after

allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 6, 9, 11-17, 19-21, 30-35 and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,688,105 to Bloch et al.

7. With respect to **claim 1** Bloch discloses, in Fig. 1-15, an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences as part of a video program prepared by a camera operator (Abstract), the system comprising: (a) a camera (49) for capturing the plurality of said image sequences (column 4 lines 39-43); (b) a random-access electronic memory (153) for temporary storage of the plurality of said image sequences (column 10 lines 53-59); (c) an input reader (45) for accepting pre-programmed instructions from a first storage medium (42) as enabled by the camera operator, said pre-programmed instructions being suited for, and differentiated by, a particular theme or event of interest as represented by the video program (column 4 lines 43-45, column 9 line 22 through column 10 line 32 and column 11 lines 22-37; where a prerecorded background option is selected by the user, this background option comprises a video sequence stored on a

videodisc that has the control instructions encoded into it; these control instructions are read by the MCU which then performs corresponding control of the system); (d) a control panel comprising: (i) a display (37) for viewing said image sequences and presenting pre-programmed instructions to the operator (column 5 lines 22-36); and (ii) an operator interface for accepting operator responses to the pre-programmed instructions (column 5 lines 57-65, column 9 lines 28-33 and column 13 lines 9-12); and (e) a control logic processor (45) for executing the pre-programmed instructions and for arranging playback of said presentation from the plurality of said captured image sequences stored in said random-access electronic memory according to said operator responses (column 9 line 22 through column 10 line 32, column 10 lines 53-59 and column 11 lines 22-37; where the control instructions from the video disc are read by the MCU which then performs corresponding control of the system).

8. With respect to **claim 2 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 further comprising: (f) an output writer for recording said presentation onto a second storage medium (column 3 lines 49-53; where the final composite video is recorded on a VHS or Beta videotape cassette).

9. With respect to **claim 4 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 wherein said operator interface comprises a touch screen (column 13 lines 9-12).

10. With respect to **claim 6 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 2 wherein said second storage medium is a magnetic medium (column 3 lines 49-53; where VHS tapes are magnetic mediums).

11. With respect to **claim 9 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 wherein said control panel is part of said camera as the control panel is an essential or integral attribute utilized by the user to control the camera.
12. With respect to **claim 11 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 further comprising an audio recording mechanism (39) (column 5 line 66 through column 6 line 2 and column 9 lines 13-21).
13. With respect to **claim 12 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 further comprising an audio playback mechanism (26) (column 6 lines 5-8).
14. With respect to **claim 13 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 1 wherein the pre-programmed instructions provide a plurality of presentation themes that can be selected using the operator interface, each presentation theme having associated pre-programmed instructions (column 5 lines 40-56 and column 11 lines 22-37).
15. With respect to **claim 14 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 13 wherein the pre-programmed instructions for each of the plurality of presentation themes enable graphics corresponding to be selected theme to be selected using the operator interface (column 5 lines 40-56 and column 11 lines 22-37).
16. With respect to **claim 15 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 1 wherein the pre-programmed instructions enable text corresponding to be selected using the operator interface and enable the selected text

to be included in at least one image sequence of the presentation (column 5 lines 40-56 and column 10 lines 44-52).

17. With respect to **claim 16 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 1 wherein the pre-programmed instructions include a background image sequence and instructions for compositing the background image sequence with a captured image sequence (column 5 lines 40-56 and column 4 lines 35-65).

18. With respect to **claim 17 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 16 wherein the background image sequence includes camera motion and wherein the pre-programmed instructions further include instructions to enable the control logic processor to simulate the camera motion of the background image sequence in at least one captured image sequence (column 4 line 65 through column 5 line 5; where camera wipe may be used, which would simulate camera motion of changing to the next scene).

19. With respect to **claim 19 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 1 wherein the pre-programmed instructions further include an audio soundtrack (column 6 lines 5-8 and column 8 line 64 through column 9 line 21).

20. With respect to **claim 20 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 19 wherein the control logic processor plays back the audio soundtrack while the camera captures at least one image sequence (column 6 lines 5-8).

21. With respect to **claim 21 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 20 wherein the pre-programmed instructions further include lyrics for a song provided in the audio soundtrack (column 10 lines 44-48).

22. **Claims 30 and 31** are fully encompassed by **claim 1** and is there for not discussed in detail for the sake of brevity. See **claim 1** above.

23. With respect to **claim 32 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 31 further comprising: (f) an output writer for recording said presentation (column 3 lines 49-53; where the final composite video is recorded on a VHS or Beta videotape cassette).

24. With respect to **claim 33 Bloch** discloses, in Fig. 1-15, a method for forming a presentation (composite video picture) comprising a set of image sequences captured using an electronic camera (abstract), the method comprising: (a) obtaining programmed instructions for capturing members of the set of image sequences (column 5 lines 45-56 and column 6 lines 57-62); (b) assembling an electronic storyboard, according to the programmed instructions, comprising a plan for the arrangement of said members of the set of image sequences made at least in part before their capture (column 4 lines 35-45, column 5 lines 45-56 and column 11 lines 22-37; where the prerecorded backgrounds are assembled with the recorded video of the user to make the presentation); (c) prompting the camera operator to obtain individual members of said set of said image sequences by displaying operator instructions to the camera operator (column 5 lines 26-29 and 40-45; where cues for user interaction are provided to instruct the user what needs to be done to complete the presentation); (d) storing

said set of said image sequences in a memory (column 10 lines 53-59; where the RAM is used to store the recorded images so graphics can be added); (e) assembling the presentation using said set of said image sequences, according to said electronic storyboard (column 10 lines 53-59; where instructions from the videodisc are used to add the graphics where required); and (f) recording the presentation onto a storage medium (column 3 lines 49-53; where the final composite video is recorded on a VHS or Beta videotape cassette).

25. With respect to **claim 34 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 wherein the step of obtaining programmed instructions comprises the step of reading a magnetic medium (column 12 lines 23-31; where the control information maybe provided from a magnetic medium comprising a flexible disk).

26. With respect to **claim 35 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 wherein the step of obtaining programmed instructions comprises the step of reading an optical medium (column 4 lines 43-45).

27. With respect to **claim 37 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 wherein the step of assembling an electronic storyboard further comprises the step of obtaining operator responses to prompts (column 5 lines 57-65).

28. With respect to **claim 38 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 further comprising the step of obtaining stored

images for use in the presentation (column 4 lines 35-45; where images stored on the VDP 42 are obtained for use in the presentation).

29. With respect to **claim 39 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 wherein the step of assembling the presentation further comprises the steps of: (a) loading into the memory at least one pre-stored image not obtained from the camera; and (b) using said at least one pre-stored image as part of the presentation (column 4 lines 35-45; where images stored on the VDP 42 are obtained for use in the presentation).

30. With respect to **claim 40 Bloch** discloses, in Fig. 1-15, an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences as part of a video program prepared by a camera operator (Abstract), the system comprising: (a) a camera (49) for capturing the plurality of said image sequences (column 4 lines 39-43); (b) a random-access electronic memory (153) for temporary storage of the plurality of said image sequences (column 10 lines 53-59); (c) an input reader (45) for accepting pre-programmed instructions from a first storage medium (42) as enabled by the camera operator, said pre-programmed instructions being suited for, and differentiated by, a particular theme or event of interest as represented by the video program (column 4 lines 43-45, column 9 line 22 through column 10 line 32 and column 11 lines 22-37; where a prerecorded background option is selected by the user, this background option comprises a video sequence stored on a videodisc that has the control instructions encoded into it; these control instructions are read by the MCU which then performs corresponding control of the system); (d) a

control panel comprising: (i) a display (37) for viewing said image sequences and presenting pre-programmed instructions to the operator (column 5 lines 22-36); and (ii) an operator interface for accepting operator responses to the pre-programmed instructions (column 5 lines 57-65, column 9 lines 28-33 and column 13 lines 9-12); and (e) a control logic processor (45) for executing the pre-programmed instructions and for arranging playback of said presentation from the plurality of said captured image sequences stored in said random-access electronic memory according to said operator responses (column 9 line 22 through column 10 line 32, column 10 lines 53-59 and column 11 lines 22-37; where the control instructions from the video disc are read by the MCU which then performs corresponding control of the system); and (f) an output writer for recording said presentation onto a second storage medium (column 3 lines 49-53; where the final composite video is recorded on a VHS or Beta videotape cassette).

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. **Claims 3, 5, 7, 8 10, 18, 22-29 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,688,105 to Bloch et al.**

33. With respect to **claim 3 Bloch** discloses the limitations of **claim 1** and that the presentation is recorded by an output writer onto a storage medium comprising a VHS or Beta format (column 3 lines 49-53).

34. **Bloch** does not expressly disclose recording the presentation onto said first storage medium which comprised a video disc.

35. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of storing video presentations on video discs are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a video disc instead of a VHS or Beta format tape as **Bloch** discloses other media types can be used that are currently in development or which have yet to be developed without altering the principles involved in the invention of **Bloch** (column 3 lines 49-53 and column 10 line 66 through column 11 line 4) and a video disc for recording video sequences had been developed and publicly used at the time of Applicant's invention.

36. With respect to **claim 5 Bloch** discloses the limitations of **claim 1 and 2**.

37. **Bloch** does not expressly disclose the second storage medium is an optical medium.

38. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of storing video presentations on optical mediums are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used an optical medium instead of a VHS or Beta format tape as **Bloch** discloses other media types can be used that are currently in

development or which have yet to be developed without altering the principles involved in the invention of **Bloch** (column 3 lines 49-53 and column 10 line 66 through column 11 line 4) and an optical medium for recording video sequences had been developed and publicly used at the time of Applicant's invention.

39. With respect to **claim 7 Bloch** discloses the limitations of **claim 1 and 2**.

40. **Bloch** does not expressly disclose the second storage medium is solid state medium.

41. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of storing video presentations on solid state mediums are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a solid state medium instead of a VHS or Beta format tape as **Bloch** discloses other media types can be used that are currently in development or which have yet to be developed without altering the principles involved in the invention of **Bloch** (column 3 lines 49-53 and column 10 line 66 through column 11 line 4) and a solid state medium for recording video sequences had been developed and publicly used at the time of Applicant's invention.

42. With respect to **claim 8 Bloch** does not expressly disclose the camera 49 comprises a CCD sensor.

43. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of using a camera comprising a CCD sensor are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a CCD camera, for doing so would allow for

instantly creating digital images which are needed for applying graphics by a microprocessor as disclosed by **Bloch** (column 10 lines 53-59), thus reducing the number of parts and cost of the system.

44. With respect to **claim 10 Bloch** discloses the input reader comprises an input interface section providing input from the video disc, an independent computer recording medium, or from firmware (column 12 lines 27-31).

45. However, **Bloch** does not expressly disclose providing input over a wired or wireless port connection including connection via the internet.

46. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of updating firmware over a wired or wireless port connection including connection via the internet are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided input instructions from downloaded firmware through the internet, for doing so would allow the owner of the system to change the prerecorded background sequences of **Bloch** without having to physically travel to the location of the system, thus saving time and travel costs.

47. With respect to **claim 18 Bloch** discloses the limitations of claim 17 where the simulated camera motion comprising video wipes.

48. However, **Bloch** does not expressly disclose the camera motion includes zooming and panning.

49. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of video wipes that simulate zooming and panning are well known and

expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included wipes that simulate zooming and panning, for doing so would increase the number of effects one could add to the presentation thus making each presentation more customizable and unique.

50. **Claim 22** is an equivalent claim to that of **claim 3**, thus for the sake of brevity please see **claim 1 and 3** above for a detailed discussion of the claim limitations.

51. With respect to **claim 23 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player comprising: a sensor (49) for capturing images (column 4 lines 39-43); a memory for storing a motion video sequence (column 3 lines 49-53; where video is recorded onto VHS and Beta format tapes); a digital memory for storing an audio recording (column 8 lines 64-66; where the video disc player 42 provided audio stored on video discs); an audio reproduction mechanism (26) for playing the audio recording (column 6 lines 5-7); and wherein a motion video sequence is captured and stored while the audio reproduction means plays back a stored audio recording (column 6 lines 5-7).

52. **Bloch** does not expressly disclose the memory for storing the motion video sequence is a digital memory.

53. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of storing video presentations on digital memory are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a digital memory instead of a VHS or Beta format tape as **Bloch** discloses other media types can be used that are currently in

development or which have yet to be developed without altering the principles involved in the invention of **Bloch** (column 3 lines 49-53 and column 10 line 66 through column 11 line 4) and a digital memory for recording video sequences had been developed and publicly used at the time of Applicant's invention.

54. With respect to **claim 24 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 23 further comprising a graphical user interface for selectively enabling the capability to record digital images while playing back an audio file (column 13 lines 9-12; where a touch screen is user for controlling the system, thus it is inherent that there is a graphical user interface).

55. With respect to **claim 25 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 23 further comprising a storage component (video disc) for storing a background image (column 5 lines 37-40).

56. With respect to **claim 26 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 23 further comprising a storage component for storing commands for image processing (column 5 lines 45-56).

57. With respect to **claim 27 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 23 further comprising a storage component for storing previously recorded video segments. (column 5 lines 37-40).

58. With respect to **claim 28 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 27 wherein said storage component is read-only (column 5 lines 37-40; where the storage component is a video disc which is read only).

59. With respect to **claim 29 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 27 wherein said storage component is read-write (column 12 lines 27-31; where a computer recording medium such as a flexible disk can be used which is a read-write storage medium).

60. With respect to **claim 36 Bloch** discloses the control instructions can come from the video disc, an independent computer recording medium, or from firmware (column 12 lines 27-31).

61. However, **Bloch** does not expressly disclose obtaining programmed instructions comprises the step of communicating over a network.

62. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of updating firmware over a network are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided input instructions from downloaded firmware through a network, for doing so would allow the owner of the system to change the prerecorded background sequences of **Bloch** without having to physically travel to the location of the system, thus saving time and travel costs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL M. PASIEWICZ whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMP
September 26, 2008

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622